

March 23rd, 2004

#8
Petition
w/ID
Amend
6/3/04
SB

ATTENTION: Mr. Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600

RENEWED PETITION UNDER 37 CFR 1.181"

March 23rd, 2004


Mr. Kenneth J. Dorner,

To follow-up on your letter received regarding the decision on petition to withdraw the holding of abandonment, I must inform you that me nor my wife have received such document in october 2002 and she will co-sign this letter at the bottom to confirm this declaration. Furthermore, I do not keep such records on incoming mail or any flag system advising me to respond on any correspondance. However, I do have a special folder on this patent and others in a secured filing cabinet. I can assure you that after searching again and again this special file, no copy of the said document dated 03 october 2002 was found. I do not wish to abandon my rights on this patent regarding the clipboard with dual clamping members.

I will include with this letter, a copy of the invoice for my house taxes in 2002 to confirm that I was in fact at the correspondence address of record at the time the Office action would have been received.

Again I must emphasize the fact that I didn't received the document in october 2002 and I hope this matter will be resolve quickly. I do appreciate your collaboration on this issue and I will be waiting for your favourable decision.


Gerald Villeneuve


Danielle Jussienne

RE: Copy of this letter was sent to M. James R. Brittain
EXAMINER

TO: United States Patent & Trademark Office
August 21st, 2003

Sir/Madam,

With the following letter, I wish to inform you that I did received the publication notice regarding application #09/975,015 dated 04/17/2003 advising me that the patent will be published the same day. I thought at that moment that my invention was following the regular route and procedures.

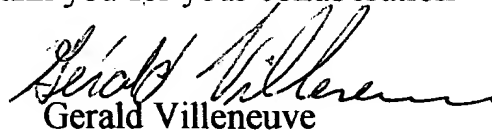
Later on, I received to my surprise an Office Communication letter dated 05/07/2003 advising me that my patent was abandoned as I didn't respond within three (3) months to a letter sent/dated 03 october, 2002. I **never received that letter to my home.**

I receive regularly my business and personal mail every week day at my private home around 10:00 o'clock. I read it every day and respond quickly when necessary. All letters and documents that I receive are classified in order in a filing cabinet. So, all documents related to my patent are filed and secured in a special folder inside that filing cabinet.

In short, I never received from your office the letter dated 03 october, 2002 and ask you to withdraw the notice of abandonment immediately as per your procedures in place and send me back a copy of the said letter dated 03 october, 2002 so I can reply quickly in order to resolve the issue as soon as possible. **I do not wish to abandon my rights on this patent.**

That said, I already called and discussed this matter with Examiner M. James R. Brittain from the U.S. Patent & Trademark Office. If you require additional information, please let me know so I can fulfill rapidly the requirements of your agency in this case.

Thank you for your collaboration



Gerald Villeneuve

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Group 2003

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

Gerald Villeneuve
23 St-Louis
Gatineau QC J8T 2R7 CA CANADA

In re Application of
Gerald Villeneuve
Application No. 09/975,015
Filed: October 12, 2001
For: CLIPBOARD WITH DUAL CLAMPING
MEMBERS

This is in reply to applicant's communication, filed in the United States Patent and Trademark Office on September 8, 2003. This communication is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED** pending submission of a renewed petition.

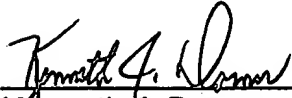
A review of the file record reveals that an Office action was mailed to applicant at the address of record on October 3, 2002. Since a response to the October 3, 2002 Office action has not been received, the application was held abandoned and a Notice of Abandonment was mailed May 7, 2003.

There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's (in this case the inventor, Mr. Gerald Villeneuve) statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.



Kenneth J. Dorner

Special Programs Examiner

Patent Technology Center 3600

(703) 308-0866

KJD/cps: 2/8/04